South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management 104 Parker Drive Beaufort, South Carolina 29906

and

Charleston District, Army Corps of Engineers 69-A Hagood Avenue Charleston, South Carolina 29403

May 22, 2013 Permit Application Public Notice John Downing, 2013-00421-1T

The Department has received an application for a permit for the alteration of a critical area. The application was submitted pursuant to the Coastal Zone Management Act (Act 123) of 1977 South Carolina General Assembly. The application in brief, is described as follows:

LOCATION:

On and adjacent to Combahee River at 2898 Wiggins Road, Long Brow Plantation, Green Pond, Colleton County, South Carolina. TMS: 308-00-00-002,000.

WORK:

The proposed work consists of the renovation of a former cross embankment and canal within an existing managed tidal impoundment and the installation of a new wooden spillway box within the new cross embankment and a new wooden trunk within an existing perimeter embankment. Specifically, the applicant seeks to excavate 6,852 cubic yards from 0.77 acres of tidal wetlands and waters to obtain fill material and to construct a new canal. The excavated material will be used as fill to renovate a former cross embankment and also will be placed in 0.68 acres of tidal wetlands and waters to a newly excavated canal. The canal will be 2,300' long with a top width of 14.5', bottom width of 10.25' and a depth of 6.5'. The new cross embankment will be 2,470' long with a 12' top width, 18' bottom width & 5' deep. The new spillway box that will be installed in the cross embankment will be 5' wide by 25' long and will

18' bottom width & 5' deep. The new spillway box that will be installed in the cross embankment will be 5' wide by 25' long and will have an inside height of 18", an outside height 2' and 6'. Wooden bulkhead, approximately 8' to 10' in length will be constructed on either side of the spillway box to provide stability. The proposed work will divide the existing 139.5 acre managed tidal impoundment into an 87.3 acre field and a 52.2 acre field. The purpose of the proposed project is to create two impoundments for more consistent

management.

This public notice is being distributed to all known interested persons and agencies to assist in developing facts on which a decision by the Department can be based. Comments concerning the proposed work must be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

Comments regarding this application must be received by the Department on or before <u>June 21, 2013</u>. For more information, please contact **Geordy Madlinger** at 843-846-9400 or via email at <u>madlingi@dhec.sc.gov</u>.

NOTE:

Plans depicting the proposed work are available and will be provided upon receipt of a written request or may be viewed on the Department website at www.scdhec.gov/environment/ocrm/public notice.htm.

DESCRIPTION OF THE OVERALL PROJECT AND OF EACH ACTIVITY IN OR AFFECTING U.S. WATERS OR STATE CRITICAL AREAS.

This project consists of renovating a former cross dike within a functional tidal rice field on the Combahee River. We also propose to install one Combahee style rice field trunk and one wooden spillway with riser to facilitate water circulation. The proposed project will renovate a former interior dike that has subsided to nearly bed level of the rice field. During commercial rice production, rice fields had numerous cross dikes to facilitate water management and allow the ability to manage similar water depths throughout the rice field.

Construction of the new cross dike will result in 0.68 acres (6,861 cubic yards) of wetland fill. All fill material will be obtained from within the rice field. More specifically, fill for a dike will come from a newly excavated canal that will run parallel to the proposed dike. Excavation of this canal will result in 0.77 acres (6,852 cubic yards) of wetland impact. We also propose to install 1 new wooden spillway box with riser in this new cross dike. This will permit water movement between the two new units of the newly divided rice field. We are also proposing to install 1 new Combahee style rice field trunk in a perimeter dike. Renovation of the cross dike will result in one management unit lacking a perimeter water control structure.

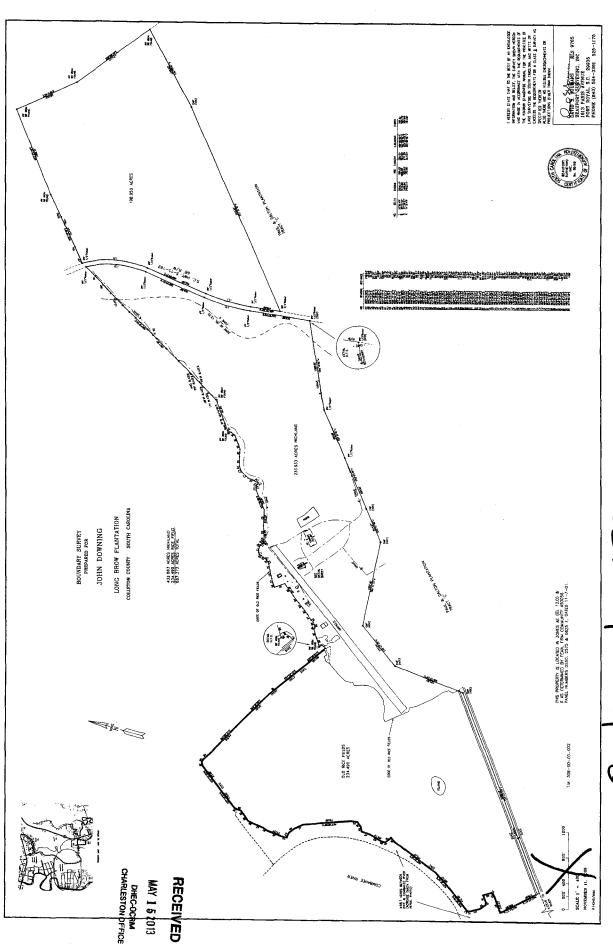
All of the proposed dike construction/canal excavation activities will occur simultaneously, that is the dike and canal will be created simultaneously. To complete this project, the tidal rice field in the project area will be drained and dried during summer months. The proposed work will be completed with a long-reach excavator on tracks using wooden mats for stability. As the excavator proceeds down the length of the proposed dike and canal, the operator will simultaneously excavate the new canal and place this fill for construction of the proposed dike. Wooden spillway box will be installed as the proposed dike is constructed. Bulkheads will be constructed on either side on the newly installed spillway box. The bulkheads will be 8-10 linear feet and just sufficient to provide stability for the portion of dike that crosses the spillway box. By conducting work simultaneously, it will minimize the amount of traffic across the bed of the rice field. The rice field trunk will also be installed while the rice field is drained and dry.

Summary of In	MPACTS		
	Length (feet)	Volume (cubic yards)	Area (acres)
Wetland excavation to form new canal	2,300'	6,852	0.77
Wetland fill to re-establish interior dikes	2,470'	6,861	0.68
Water control structures	<u>#</u>		
Number of spillway boxes with riser	1		
Number of Combahee style rice field trunk	1		

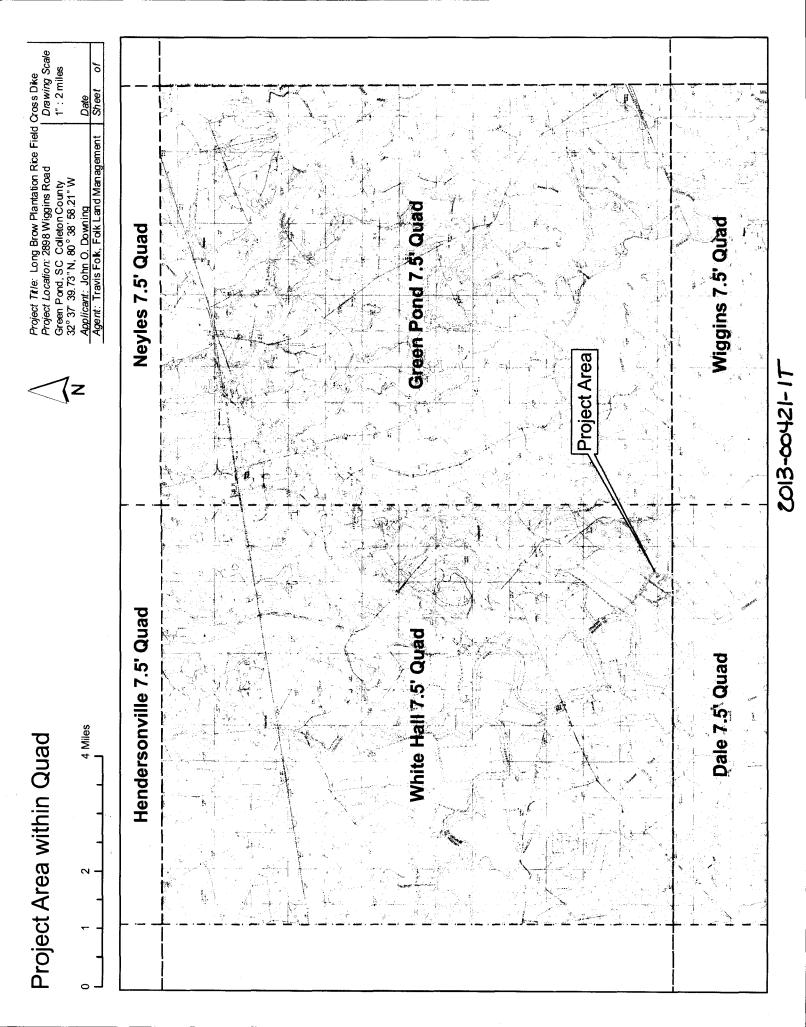
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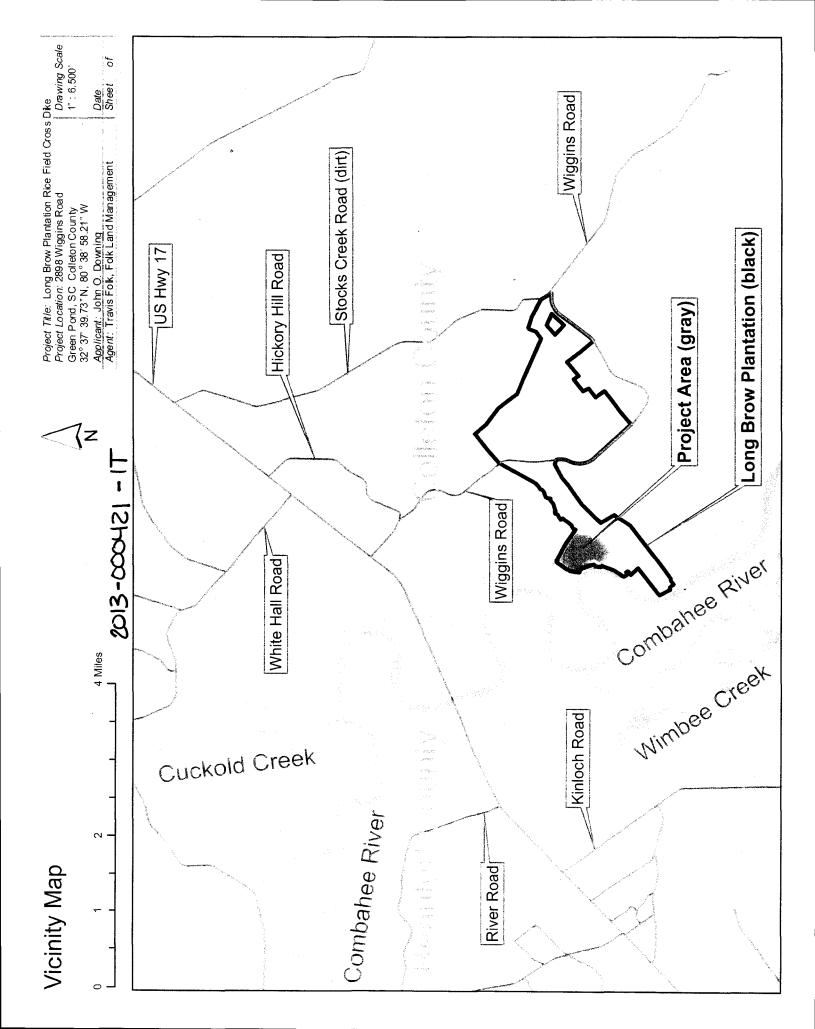
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DHEC-OCRM CHARLESTON OFFICE



Reduced-NTS





Project Area in Long Brow Plantation

1,250 2,500 5,000 Feet

2011 aerial

Project Title: Long Brow Plantation Rice Field Cross Dike
Project Location: 2898 Wiggins Road
Green Pond, SC Colleton County
32° 37′ 39.73″N, 80° 38′ 58.21″W
Applicant: John O. Downing
Agent: Travis Folk, Folk Land Management
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upland inland rice fields Cheeha-Combahee Plantation Long Brow Plantation boundary (yellow) Wiggins Road Project Area (dashed) Laurel Springs Plantation Paul & Dalton Plantation tidal rice fields

Existing & Proposed Dikes & Water Cor

optrol Structutes in Project Area	Project Title: Long Brow Plantation Rice Field Cross Dike	s Dike
שונות חומכמנו כא ווו ו ואלביר עוכם	Project Location: 2898 Wiggins Road	Drawing Scale
	Creen Pond, SC Colleton County	1": 600'
	/ 32° 37′ 39.73″ N, 80° 38′ 58.21″ W	
	Applicant: John O. Downing	Date
2011 aerial	N Agent: Travis Folk, Folk Land Management	Sheet of

cover between areas. Southern portion is higher elevation than 1) excavation for canal = 2,300 linear feet and 6,852 cubic yards Note difference in vegetative 2) fill for dike = 2,470 linear feet and 6,861 cubic yards the northern portion. 3) one Combahee style rice field trunk Laurel Springs Plantation functional tidal rice field 4) one wooden spillway with riser proposed canal (dark blue) proposed dike (light blue) Summary of impacts proposed spillway 87.3 acres 52.2 acres existing dike (yellow) existing trunk 1,580 Feet project area (BW line) proposed trunk Combahee River 790 existing spillway existing trunk 395

existing spillway

functional tidal rice field

functional tidal rice field

proposed spillway

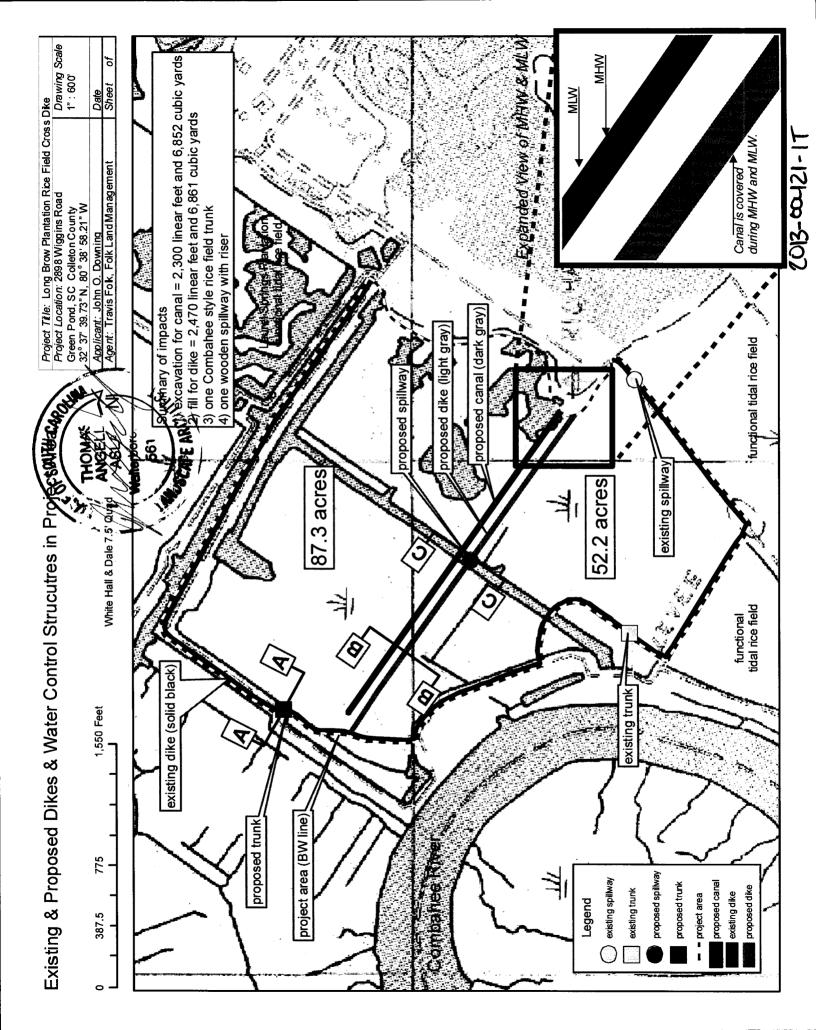
proposed trunk

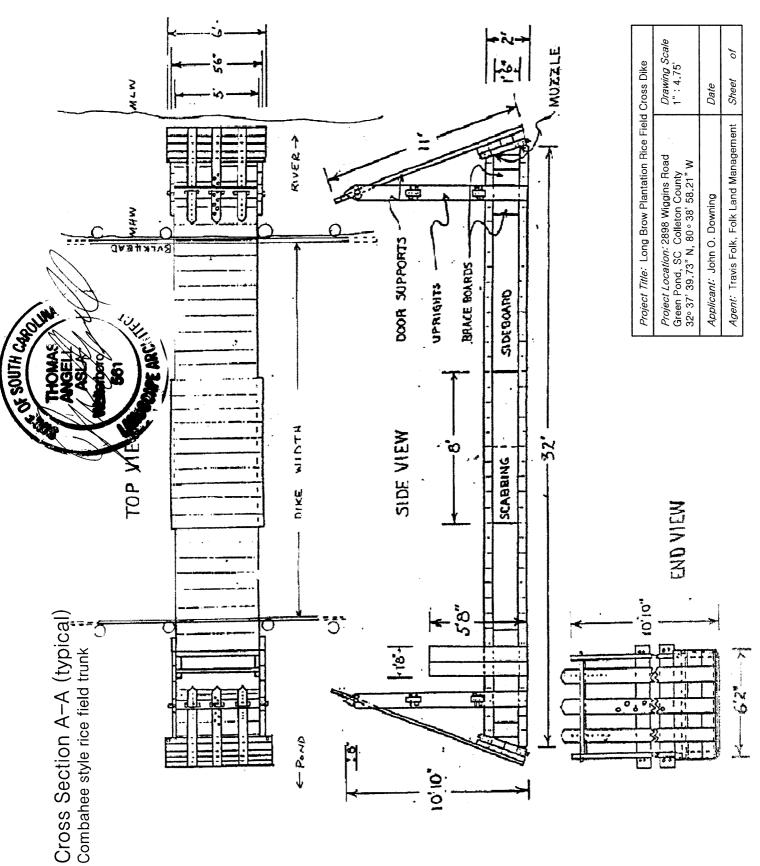
proposed canal

project area

proposed dike

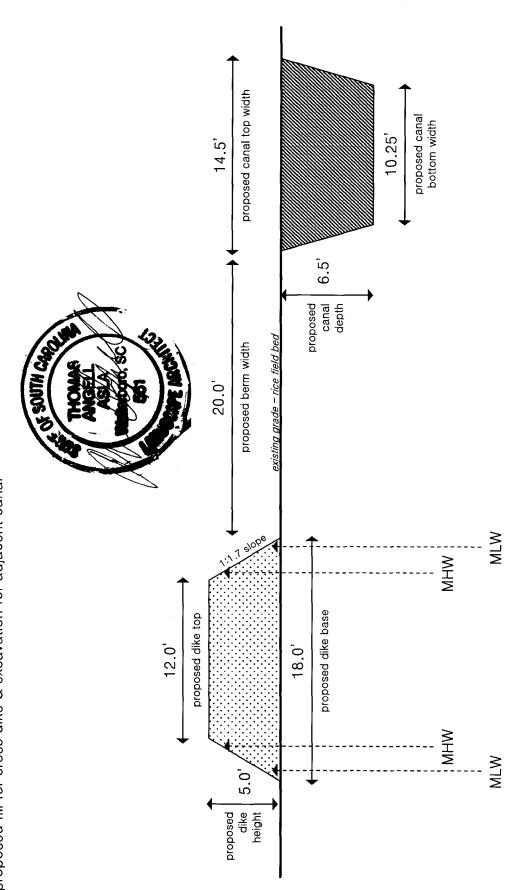
existing dike





Cross Section B-B (typical)

proposed fill for cross dike & excavation for adjacent canal



d Cross Dike Drawing Scale 1": 6.5'	Date	Sheet of
Project Title: Long Brow Plantation Rice Field Cross Dike Project Location: 2898 Wiggins Road Green Pond, SC Colleton County 32° 37' 39.73" N, 80° 38' 58.21" W	Applicant: John O. Downing	Agent: Travis Folk, Folk Land Management

Excavation

Legend

Typical Wooden Spillway Box and Flashboard Riser Cross Section C-C (typical)



Tidal Rice Field

MHW top grade of new dike Direction of water flow dike width Spillway box placed 6" below grade of wetland Tidal Rice Field 6.0 Riser Height of Flashboard

Outside height of spillway box = 2.0° Inside height of spillway box = 18" Height of flashboard riser = 6.0' Length of spillway box = 25' Width of spillway box = 5'Dimensions

Cross Dike	Drawing Scale 1": 3.5'	Date	Sheet
Project Title: Long Brow Plantation Rice Field Cross Dike	Project Location: 2898 Wiggins Road Green Pond, SC Colleton County 32° 37' 39.73" N, 80 ° 38' 58.21" W	Applicant: John O. Downing	Agent: Travis Folk Folk and Management Shoot

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JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, South Carolina 29403-5107 and the S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT 1362 McMillan Avenue, Suite 400 Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N # 2013-00421-1T

April 22, 2013

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

LONG BROW PLANTATION
C/O FOLK LAND MANAGEMENT, INC.
TRAVIS FOLK
3515 WHITE HALL ROAD
GREEN POND, SOUTH CAROLINA 29446

for a permit to excavate and place fill material in wetlands and waters of the

COMBAHEE RIVER

within existing managed tidal impoundments (historic rice fields) of Long Brow Plantation located at 2898 Wiggins Road in Green Pond, Colleton County, South Carolina (32.628948 Latitude / -80.649112 Longitude)

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice.

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the renovation of a former cross-embankment and canal within an existing managed tidal impoundment and the installation of a new wooden spillway box within the new cross-embankment and a new wooden trunk within an existing perimeter embankment. In detail, the work consists of the excavation of 6,852 cubic yards from 0.77 acres of tidal wetlands

Refer to: P/N # 2013-00421-1T April 22, 2013

and waters to obtain fill material and to construct a new canal. The excavated material will be used as fill to renovate a former cross-embankment. The excavated material will be placed in 0.68 acres of tidal wetlands and waters adjacent to the newly excavated canal to construct the new cross-embankment. The canal will be 2,300' in length with a top width of 14.5', a bottom width of 10.25', and a depth of 6.5'. The new cross-embankment will be 2,470' in length with a top width of 12', a bottom width of 18', and a height of 5'. The new spillway box that will be installed in the cross-embankment will be 5' wide X 25' long and will have an inside height of 18", an outside height of 2' and a 6' tall flashboard riser. Wooden bulkheads, approximately 8-10' in length, will be constructed on either side of the spillway box to provide stability. The new wooden rice field trunk will be a typical Combahee style trunk that will be installed within the existing perimeter embankment located within the same large managed tidal impoundment field where the cross-embankment and canal are being proposed. The proposed work will divide the existing approximate 139.5 acre managed tidal impoundment field into an 87.3 acre field and a 52.2 acre field.

The purpose of the proposed project is to create two management units of more consistent bed topography. Currently, the southern portion of the impoundment is slightly higher than the northern portion. This is a common morphology in rice fields with the areas closer to tidal waterways being higher and elevation dropping farther away from the river. Historically, this field was compartmentalized to allow for a more consistent bed level, which was done during commercial rice production in the 18th through the early 20th centuries. This field was managed primarily for widgeon grass (*Ruppia maritime*) and a consistent water level will aid in this management strategy. A trunk and spillway are included with the project to allow for efficient water circulation once the cross-embankment is constructed.

The excavation of the new canal and construction of the new cross-embankment will occur simultaneously. To complete the project, the managed tidal impoundment field will be drained and dried during the summer months. The proposed work will be completed with a long-reach excavator on tracks using wooden mats for stability. As the excavator proceeds down the length of the proposed cross-embankment and canal, the operator will simultaneously excavate the new canal and place the excavated material in the location of the cross-embankment. The new wooden spillway box will be installed as the cross-embankment is being constructed. Bulkheads will be constructed on either side of the newly installed spillway box. The bulkheads will be 8-10' in length and sufficient enough to provide stability for the portion of the embankment that crosses the spillway box. By conducting the work simultaneously, it will minimize the amount of traffic across the bed of the impoundment. The proposed trunk in the perimeter embankment will also be installed while the impoundment is drained and dry.

According to the applicant, impacts associated with the proposed project were minimized in several ways. First, the work will be constructed in the dry. This will ease access by heavy machinery and also minimize damage to wetlands. The proposed work will be completed during summer months. Second, all material will be obtained from within the managed tidal impoundment field. Were material required from outside of the project area, it would have to travel across existing embankments. This travel would require remediation of the existing embankment due to excessive travel by heavy machinery. In addition, spill from this transport could fall into the field and represent additional concerns. Third, the proposed embankment is of sufficient dimensions to allow for water control and travel by agricultural machinery, which are both necessary for the management of the managed tidal impoundment fields. Fourth, the applicant has minimized impacts by locating the proposed cross-embankment on top of the remnants of a former embankment. While the former embankment has subsided to the point where it does not control water, the impoundment field bed topography in this area is variable whereas elsewhere

REGULATORY DIVISION

Refer to: P/N # 2013-00421-1T April 22, 2013

throughout the field, the bed is at level topography.

The applicant states that a compensatory mitigation plan has not been developed for the proposed project for several reasons. First, the proposed project aids in the management of the managed tidal impoundment by creating two management units with more consistent field bed topography. This will in turn enable each unit to be managed more effectively. Construction of the new cross-embankment is the only practical way to allow the achievement of the goal of increased water circulation capability and enhanced wildlife habitat quality. Second, the proposed activity is in line with traditional activities within managed tidal impoundment fields in the ACE Basin. The proposed cross-embankment is in the footprint of a former historic embankment that has subsided. Third, this project will be funded by a NAWCA grant administered through Ducks Unlimited. The proposed proposal was reviewed at multiple levels of the US Fish and Wildlife Service and the Flyway Councils. The project was deemed to have a positive contribution for management of avian habitat and thus was funded. Fourth, compensatory mitigation has not been required for similar projects in the area.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, South Carolina 29403-5107

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 1.45 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife

Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

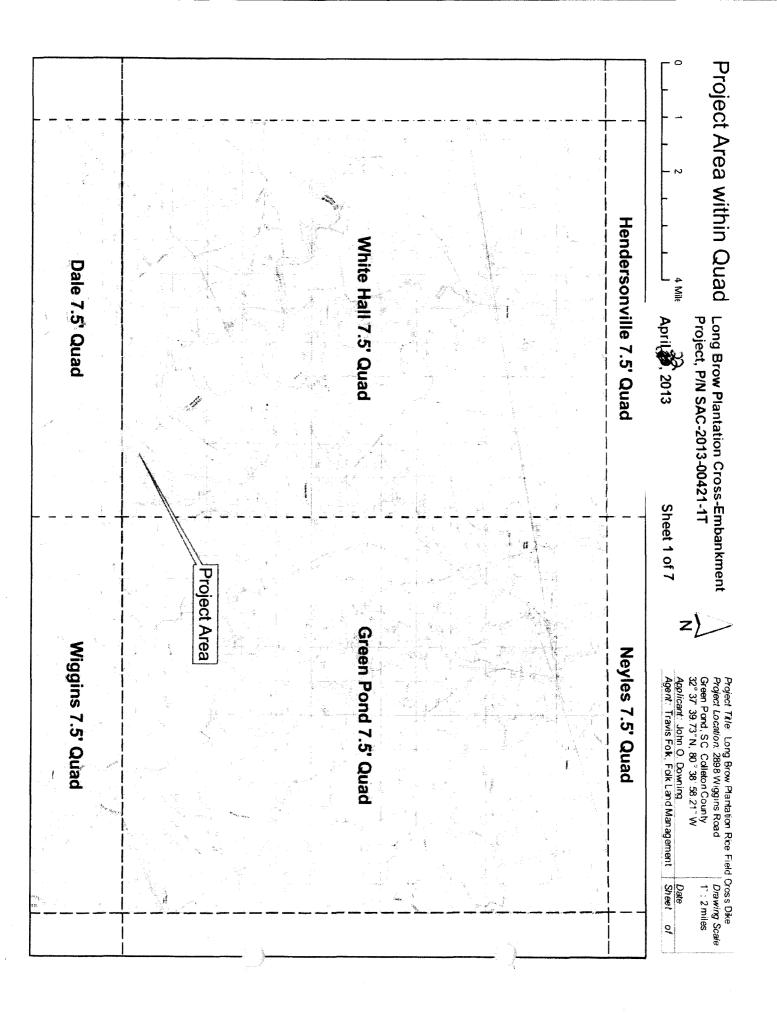
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

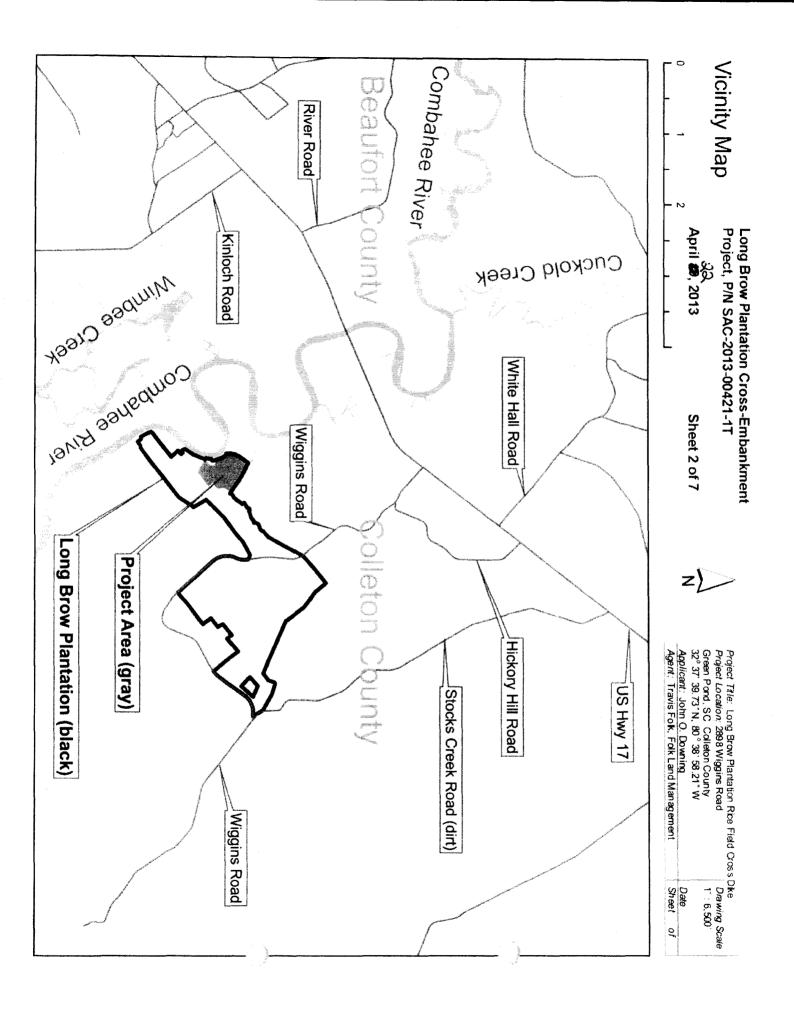
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact (**Tracy Dotolo Sanders**) at 843-329-8044 or toll free at 1-866-329-8187.





Project Area in Long Brow Plantation

1,250 2,500 5,000 Feet

2011 aerial



Project Title: Long Brow Plantation Rice Field Cross Dike Project Location: 2898 Wiggins Road
Green Pond, SC Colleton County
32° 37 39.73° N. 80° 38′ 58.21′ W Applicant: John O. Downing Drawing Scale 1": 2,250" Date Sheet

Agent: Travis Folk, Folk Land Management

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Combahee River Paul & Dalton Plantation Laurel Springs Plantation Long Brow Plantation boundary (yellow) Project Area (dashed) upland Wiggins Road Cheeha-Combahee Plantation Project, P/N SAC-2013-00421-1T Long Brow Plantation Cross-Embankment April 6, 2013 Spian ash buein upland Sheet 3 of 7

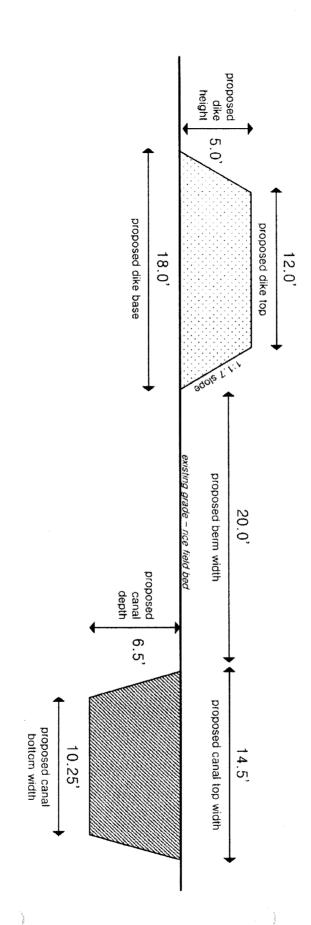
Existing & Proposed Dikes & Water Control Strucutres in Project Area Combanee River 387.5 existing trunk proposed dike proposed trunk proposed spillwa existing spillway proposed canal Legend project area (BW line) existing dike project area proposed trunk 775 existing dike (solid black) existing trunk 1,550 Feet functional tidal rice field White Hall & Dale 7.5' Quad 52.2 acres 87.3 acres proposed spillway functional tidal rice field proposed dike (light gray) 2) fill for dike = 2,470 linear feet and 6,861 cubic yards3) one Combahee style rice field trunk Summary of impacts one wooden spillway with riser 1) excavation for canal = 2,300 linear feet and 6,852 cubic yards proposed canal (dark gray) April **25**, 2013 Project, P/N SAC-2013-00421-1T Long Brow Plantation Cross-Embankment existing spillway . <u>C</u> Sheet 4 of 7 ying Scale ૂ

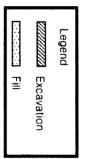
Cross Section B-B (typical) proposed fill for cross dike & excavation for adjacent canal

Long Brow Plantation Cross-Embankment Project, P/N SAC-2013-00421-1T

April 2013

Sheet 5 of 7





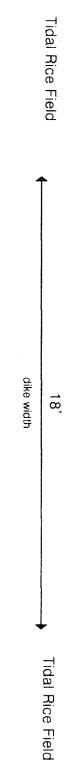
Sheet of	Agent: Travis Folk, Folk Land Management Sheet of
Dale	Applicant: John O. Downing
Drawing Scale	Project Location: 2898 Wiggins Road Green Pond, SC Colleton County 1": 6.5' 32° 37' 39.73" N, 80° 38' 58 21" W
Cross Dike	Project Title: Long Brow Plantation Rice Field Cross Dike

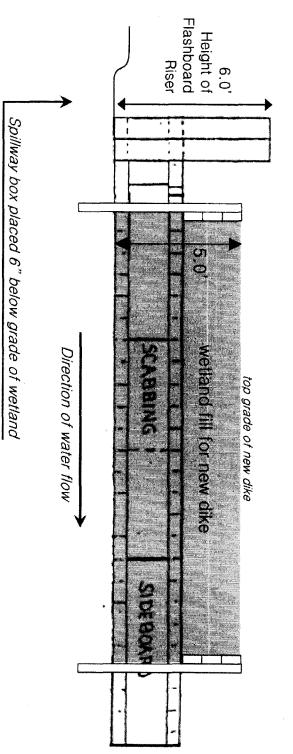
Cross Section C-C (typical) Typical Wooden Spillway Box and Flashboard Riser

Long Brow Plantation Cross-Embankment Project, P/N SAC-2013-00421-1T

April (2013)

Sheet 6 of 7





Dimensions
Width of spillway box = 5'
Length of spillway box = 25'
Outside height of spillway box = 2.0'
Inside height of spillway box = 18"
Height of flashboard riser = 6.0'

Q,	Sheet	Agent: Travis Folk, Folk Land Management
	Date	Applicant: John O. Downing Date
	1	Green Pond, SC Colleton County 32: 37"39.73" N, 80: 38' 58.21" W
2 Scale	Drawing Scale	Project Location: 2898 Wiggins Road

